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California Regional Water Quality Control Board Los Angeles Region

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Gray Davis
Governor

Ms. Linda Kies
1363 Oakwood Drive
Topanga, California 90290

STANDARD CERTIFICATION FOR PROPOSED KIES DRIVEWAY DITCH STABILIZATION PROJECT, UNNAMED TRIBUTARY TO TOPANGA CANYON CREEK, CITY OF TOPANGA, LOS ANGELES COUNTY (File No. 03-180)

Dear Ms. Kies:

Regional Board staff has reviewed your request for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 2, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-5733.

_____[Original signed by]_____
Dennis A. Dickerson
Executive Officer

_____[March 5, 2004]_____
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 03-180

1. Applicant: Linda Kies
1363 Oakwood Drive
Topanga, California 90290

Phone: (310) 455-0307 Fax: (818) 586-0814
2. Applicant's Agent: None
3. Project Name: Kies Driveway Ditch
4. Project Location: Topanga, Los Angeles County
Longitude: 118° 37' 30"; Latitude: 34° 07' 30"
5. Type of Project: Driveway Reconstruction
6. Project Description:
Purpose:
The purpose of the project is to protect 6-9 California Live Oak Tress and the property's driveway from scouring and undercutting during rain events, reduce siltation of Oakwood Drive's Arizona Crossing and reduce downstream turbidity due to erosion.

Description:
The subject property was acquired by the current owner included a horse barn which completely obstructed the unnamed dry wash tributary to Topanga Creek. The obstruction of the rainwater runoff flow created a soft soil delta upstream of the building. During heavy rains, the runoff meandered through the delta area and flowed around both sides of the barn. During the storms of 1996, the footings of the building were undermined and the barn was demolished in the summer of 1997. Subsequent to the removal of the barn, the rainwater runoff began to significantly scour out the solids and deposit it in the Oakwood Drive low water crossing (i.e. Arizona Crossing). As the soil was eroded, the path of the runoff flow shifted approximately 4.5 feet as it followed the underlying bedrock, now exposed.

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Over the next few years the scouring continued to occur and became seriously problematic when it toppled a Coastal Live Oak by flowing around both sides of the tree as well as undermining the southerly edge of the Kies Driveway. As the erosion into the southerly bank continued a Coastal Live Oak was killed due to exposure of the tree's root system.

In 2002, the repair of the Kies Driveway and plan for protection of the Coastal Live Oaks on both sides of the runoff drainage course was begun.

The project consists of paving a fifty foot length of an unnamed dry wash tributary to Topanga Creek adjacent to the Kies' driveway and replacing the existing broken up asphalt driveway with an aggregate-exposed brown concrete driveway with a retaining wall/concrete ditch along the southerly edge in the scoured area behind the location of the former barn.

The project will not involve the discharge of any dredge and/or fill material to any waters or wetlands.

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| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
Project determined to be exempt as the size of the project is below the minimum threshold. |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement (No. 1600-2003-5055-R5) |
| 9. California Environmental Quality Act (CEQA) Compliance: | The California Department of Fish and Game
Filed the project's Notice of Exemption on October 22, 2003. |
| 10. Receiving Water: | Unnamed tributary to Topanga Canyon Creek (Hydrologic Unit No. 404.11) |
| 11. Designated Beneficial Uses: | MUN, REC-1, REC-2, WARM, COLD, WILD, MIGR, SPWN |

ATTACHMENT A

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| 12. Impacted Waters of the United States: | Non-wetland waters (unvegetated streambed): 0.009 permanent acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Conduct construction activities during the dry season;• Implement erosion control measures; and• Install no flow diversion measures. |
| 16. Proposed Compensatory Mitigation: | The Applicant has not proposed any compensatory mitigation to offset impacts associated with this project. The Regional Board will not be requiring mitigation since the project location is devoid of vegetation. |

ATTACHMENT B

Conditions of Certification File No. 03-180

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.